

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THOMAS A. MARTINO

v.

CA No. 04-468-T

UNITED STATES OF AMERICA

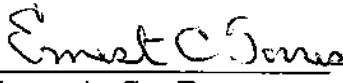
ORDER DISMISSING § 2255 MOTION

Thomas Martino's § 2255 motion hereby is dismissed as moot because Martino has completed the sentence imposed and is no longer "in custody" within the meaning of § 2255. See Spencer v. Kemna, 523 U.S. 1, 7 (1998) (A defendant who has completed a sentence imposed upon revocation of parole cannot challenge the revocation unless he demonstrates the existence of collateral consequences). See also United States v. Duclos, 382 F.3d 62, 66 (1<sup>st</sup> Cir. 2004).

By Order

  
\_\_\_\_\_  
Deputy Clerk

ENTER:

  
\_\_\_\_\_  
Ernest C. Torres  
Sr. U.S. District Judge

Date: 2/1/07